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Message Text

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43
ACTION SCI-03

INFO OCT-01 ARA-10 EUR-10 IO-03 ISO-00 ACDA-10 CIAE-00

INR-10 L-02 NSAE-00 NSC-07 RSC-01 FEAE-00 DRC-01 /058 W
---------- 037811
R 081029Z OCT 74
FM USMISSION IAEA VIENNA
TO SECSTATE WASHDC 5141
INFO AEC GERMANTOWN
AMEMBASSY BONN
AMEMBASSY BUENOS AIRES
AMEMBASSY LONDON
AMEMBASSY OTTAWA

C O N F I D E N T I A L IAEA VIENNA 8602

E.O. 11652: GDS
TAGS: PARM TECH IAEA AR CA
SUBJECT: NEGOTIATION OF IAEA SAFEGUARDS AGREEMENT RE
EMBALSE NUCLEAR POWER STATION

REF: IAEA VIENNA 8601

1. FOLLOWING IS TEXT OF IAEA SECRETARIAT DRAFT REVISION
OF ARGENTINE PROPOSED SECTION 26 (GOV/1694):
SECTION 26. THIS AGREEMENT SHALL ENTER INTO FORCE
UPON SIGNATURE BY OR FOR THE DIRECTOR GENERAL OF THE AGENCY
AND THE AUTHORIZED REPRESENTATIVE OF THE GOVERNMENT. IT
SHALL REMAIN IN FORCE FOR AN INITIAL PERIOD OF FIFTEEN
YEARS FROM THE DATE OF COMMUNICATION BY THE GOVERNMENT THAT
THE FIRST ITEM IS TO BE INCLUDED IN THE INVENTORY, AND
SHALL STAND RENEWED THEREAFTER FOR PERIODS OF TEN YEARS
UNLESS A WISH TO THE CONTRARY HAS BEEN EXPRESSED BY
ON OF THE PARTIES. IN THAT CASE, HOWEVER, SAFEGUARDS
SHALL CONTINUE TO APPLY, AS PROVIDED FOR IN PARAGRAPH
16 OF THE SAFEGUARDS DOCUMENT, WITH RESPECT TO ANY
NUCLEAR MATERIAL THEN LISTED IN SECTION 8 (A) (III), (IV)
AND (V), AND WITH RESPECT TO NUCLEAR MATERIALS PRODUCED
THEREAFTER BY THE USE OF THE HEAVY WATER OR A MAJOR
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PIECE OF EQUIPMENT WHICH IS THEN LISTED IN SECTION 8

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(A) (I), AS PART OF THE NUCLEAR FACILITY, UNTIL IT IS AGREED BETWEEN THE PARTIES THAT SUCH MATERIALS CAN NO LONGER BE USED IN SUCH A WAY AS TO FURTHER ANY MILITARY PURPOSE OR AS MAY OTHERWISE BE AGREED.

2. FOLLOWING IS TEXT OF SECRETARIAT DRAFT TEXT OF EXPLANATORY NOTE:

THE MEANING OF THE PASSAGE PROVIDING THAT "IN THAT CASE, HOWEVER, SAFEGUARDS SHALL CONTINUE TO APPLY, AS PROVIDED FOR IN PARAGRAPH 16 OF THE SAFEGUARDS DOCUMENT, WITH RESPECT TO ANY NUCLEAR MATERIAL THEN LISTED IN SECTION 8 (A) (III), (IV) AND (V), AND WITH RESPECT TO NUCLEAR MATERIALS PRODUCED THEREAFTER BY THE USE OF THE HEAVY WATER OR A MAJOR PIECE OF EQUIPMENT WHICH IS THEN LISTED IN SECTION 8 (A) (I) AS PART OF THE NUCLEAR FACILITY ..." IS UNDERSTOOD BY BOTH PARTIES AS FOLLOWS:

IN THE EVENT OF TERMINATION OF THE AGREEMENT SAFE-GUARDS SHALL CONTINUE TO APPLY TO ANY NUCLEAR MATERIAL PRODUCED AFTER THE TERMINATION OF THE AGREEMENT BY THE USE OF HEAVY WATER OR BY THE USE OF ANY MAJOR PIECE OF EQUIPMENT THAT HAS BEEN OBTAINED FROM OUTSIDE ARGENTINA. MAJOOR PIECES OF EQUIPMENT INCLUDE, FOR EXAMPLE, THE CALANDRIA, THE FUEL-LOADING MACHINES, THE PRIMARY PUMPS, THE PRESSURE TUBES, THE CONTROL RODS AND DRIVES, ETC. THE ARGENTINE GOVERNMENT SHALL NOTIFY THE AGENCY OF THE RECEIPT OF THE HEAVY WATER AND OF EACH SUCH MAJOR PIECE OF EQUIPMENT WHICH SHALL THEREUPON BE LISTED ON THE INVENTORY (VIDE: SECTIONS 9 (A) (I) OF THE AGREEMENT). SAFEGUARDS SHALL CONTINUE TO APPLY TO SUBSEQUENT GENERATIONS OF NUCLEAR MATERIAL PRODUCED FROM THE NUCLEAR MATERIAL WHICH HAS BEEN PRODUCED BY THE USE OF THE HEAVY WATER OR BY ANY SUCH MAJOR PIECE OF EQUIPMENT.

3. FOR REFERENCE, SECTION 8 (A) OF SUBJECT DRAFT AGREE-MENT (ANNEX, GOV/1694) READS AS FOLLOWS:

SECTION 8. THE FOLLOWING NUCLEAR MATERIALS AND FACILITIES SHALL BE LISTED IN THE INDICATED PARTS OF THE INVENTORY:

(A) MAIN PART:

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(I) THE NUCLEAR FACILITY, INCLUDING THE HEAVY WATER TO BE USED THEREIN, AND ANY SUCH MAJOR PIECE OF EQUIPMENT TO BE USED IN THE NUCLEAR FACILITY AS IS NOTIFIED TO THE AGENCY BY THE GOVERNMENT;

(II) NUCLEAR MATERIAL TO BE USED AS FUEL IN THE NUCLEAR FACILITY, FROM THE TIME IT ARRIVES IN THE NUCLEAR FACILITY;

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(III) NUCLEAR MATERIAL ALREADY SUBJECT TO SAFEGUARDS UNDER ANOOTHER SAFEGUARDS AGREEMENT WITH THE AGENCY, TO BE USED AS FUEL IN THE NUCLEAR FACILITY, FROM THE TIME IT COMES UNDER THE JURISDICTION OF THE GOVERNMENT;

(IV) NUCLEAR MATERIAL THAT IS BEING OR HAS BEEN PRODUCED IN OR BY THE USE OF ANY NUCLEAR MATERIAL LISTED IN THIS PART OF THE INVENTORY; OR

(V) NUCLEAR MATERIAL THAT HAS BEENSUBSTITUTED IN ACCORDANCE WITH THE PARAGRAPH 25 OR 26(D) OF THE SAFEGUARDS DOCUMENT FOR ANY NUCLEAR MATERIAL LISTED IN SUB-PARTS (II), (III) OR (IV) ABOVE.

4. ALSO FOR REFERENCE , SECTION 9 (A) OF SUBJECT DRAFT AGREEMENT READS AS FOLLOWS:

SECTION 9. THE GOVERNMENT SHALL NOTIFY THE AGENCY OF:

(A) THE RECEIPT OF ANY ITEM TO BE LISTED IN SUB-PART

(A)(I) OF THE INVENTORY, WITHIN TWO WEEKS OF:

(I) ITS ARRIVAL IN THE NUCLEAR FACILITY; OR

(II) WHEN ALREADY SUBJECT TO ANOTHER SAFEGUARDS AGREEMENT WITH THE AGENCY, FROM THE TIME IT COMES UNDER THE JURISDICTIONOF THE GOVERNMENT;

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